



MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Tuesdays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

5:30 p.m. session [Order of business]

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| <ul style="list-style-type: none"> • Invocation and Pledge of Allegiance • Presentations • Summary of Current Events • Liquor license applications • Consent Agenda | <ul style="list-style-type: none"> • Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing. • Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour. • Other Mayor and Council business as listed on the agenda for the meeting. |
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Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site. : www.tucsonaz.gov/agdocs

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

Spanish language interpreting assistance is available during the meeting. If you need assistance, contact the Council Reporter located near the front, right side of the Chambers.

PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name, address, whether you reside in the City of Tucson and whom you represent, before proceeding. Any person who is representing people other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker".
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, www.tucsonaz.gov/agdocs. Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

Robert E. Walkup – Mayor
Steve Leal – Vice Mayor

Council Members

José J. Ibarra **Ward 1**
Carol W. West **Ward 2**
Karin Uhlich **Ward 3**

Shirley C. Scott **Ward 4**
Steve Leal **Ward 5**
Nina J. Trasoff **Ward 6**

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639), FAX: 791-4017 or WEB SITE: www.tucsonaz.gov/agdocs, 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12. In addition, replays of the meetings are cablecast on Tucson 12 as follows:
 Wednesdays – 9:00 p.m. **Thursdays – 9:00 a.m.** **Sundays – 9:00 a.m.**
 VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



MAYOR & COUNCIL MEETING NOTICE & AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting, which will be open to the public:

REGULAR MEETING

**TUESDAY, JUNE 20, 2006 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Siraj Islam Mufti, Ph.D.

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATION

- a. Presentation of the American Public Works Association Accreditation Awards to the Mayor and City Departments

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager JUNE20-06-306 CITY-WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager JUNE20-06-307 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager JUNE20-06-299 CITY-WIDE
- b. Liquor License Applications

New License

- 1. Fas Fuel, Ward 3
3601 N. Oracle Rd.
Applicant: Muhammad Shafiq Rana
Series 10, City 52-06
Action must be taken by: July 8, 2006

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, “In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

Person Transfer

- 2. 3rd Base Bar & Grill, Ward 4
6255 E. Golf Links Rd.
Applicant: Jeffrey Alan Morris
Series 06, City 47-06

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant’s capability, qualifications and reliability. (A.R.S. Section 4-203)

Location Transfer

- 3. 4-Star Liquors, Ward 5
4415 S. 6th Ave.
Applicant: Edward Phillip Lopez
Series 09, City 49-06

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a location transfer, Mayor and Council may consider whether the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license at that location. (A.R.S. Section 4-203, Rule R19-1-102)

c. Special Event

NOTE: There are no applications for special events scheduled for this meeting.

d. Agent Change/Acquisition of Control

1. Taste of Texas, Ward 2
8981 E. Tanque Verde Rd. #281
Applicant: Philip Anthony Hochevar
Series 12, City AC11-06
Action must be taken by: July 3, 2006

Staff has indicated the applicant is in compliance with city requirements.

2. Buddy's Grill, Ward 2
4821 E. Grant Rd.
Applicant: Arthur Thomas Owens
Series 12, City AC12-06
Action must be taken by: July 6, 2006

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

6. **CONSENT AGENDA – ITEMS A THROUGH T**

FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

7. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker". Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

8. TUCSON CODE: ADOPTION OF THE ANNUAL COMPENSATION PLAN FOR EMPLOYEES OF THE CITY OF TUCSON FOR FISCAL YEAR 2007 (CONTINUED FROM THE MEETING OF JUNE 13, 2007)

- a. Report from City Manager JUNE20-06-323 CITY-WIDE

The City Manager expects to provide an updated recommendation for this item prior to the Mayor and Council Meeting.

9. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23), THE LAND USE CODE; MODIFICATION OF DEVELOPMENT REGULATIONS FOR THE RIO NUEVO AND DOWNTOWN OVERLAY ZONE

- a. Report from City Manager JUNE20-06-322 CITY-WIDE
- b. Hearing on a proposed amendment to the Tucson Code, Chapter 23, the *Land Use Code (LUC)* that provides greater flexibility to modify certain development regulations for development proposed in the Rio Nuevo and Downtown Overlay Zone.
- c. Ordinance No. 10295 relating to Planning and Zoning; amending the Tucson Code Chapter 23, Land Use Code, Article II, Zones, Division 8, Overlay Zones, Sections 2.8.10, Rio Nuevo and Downtown (RND) Zone by adding a new Section 2.8.10.8, modification of Development Regulations (MDR); and amending Chapter 23A, Development Compliance Code, Article II, Review Procedures, Division 2, Special Zoning Review, Limited Notice Procedure, Section 23A-40, and Division 3, Special Zoning Review, Full Notice Procedure, Section 23A-52; and declaring an emergency.

City Staff recommends approval of the proposed amendment to the *Land Use Code*.

10. ZONING: (C9-05-32) HERMAN MARK HOMES – 29TH STREET, RX-1 TO R-1, CITY MANAGER’S REPORT

- a. Report from City Manager JUNE20-06-319 WARD 2
- b. Report from Zoning Examiner dated May 19, 2006
- c. Request to rezone approximately 5.26 acres from RX-1 (Suburban Low-density Residential) to R-1 (Urban Low Density Residential) zoning. Applicant: Don Laidlaw, on behalf of the property owners, Gregory Marantz and Timothy Steiniger of Herman Mark Homes.

The rezoning site is located on the northwest corner of 29th Street and Harrison Road.

The *Pantano East Area Plan* and the *General Plan* provide land use policy direction for this area. Policies in the *Pantano East Area Plan* encourage the development of a variety of housing types, preservation of established neighborhoods, promotion of residential in-fill of vacant land, and ensure the compatibility of new development with existing land uses. The applicant’s proposal to construct 26 single-family residences on the site is in keeping with the policies in the *Plan* and the surrounding land uses. Elevations and typical building envelopes should be provided at the time of development plan (PDP) review to demonstrate compatibility. All other lots within the development will be accessed from a new internal street.

The Zoning Examiner recommends authorization of R-1 zoning, and the deletion of condition 12.

Staff recommends authorization of R-1 zoning subject to certain conditions, including a revised condition 12. Should the Mayor and Council choose to approve the rezoning request, it is recommended that the following conditions be included:

New text is underlined. Deleted text is ~~strikethrough~~.

1. A subdivision plat in substantial compliance with the revised preliminary development plan dated April 6, 2006, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1. of the *Land Use Code*.
2. The owner/developer shall design and construct the remaining sidewalks along the site frontage.
3. There shall be a maximum of one access point to the site from Harrison Road.

4. A one-foot no vehicular access easement shall be recorded for lots along the east property line on the Harrison Road frontage.
5. The owner/developer shall install one mature native canopy tree of no less than a 36 inch box size, with a minimum canopy height of eight feet, within ten feet of the rear property line for lots along the north boundary of the subdivision.
6. The owner/developer shall install one mature native canopy tree of no less than a 36 inch box size, with a minimum canopy height of eight feet, within ten feet of the front property line for lots along 29th Street.
7. The owner/developer shall install one native canopy tree within ten feet of the front property line, on every other lot fronting on 28th Street.
8. A six-foot high decorative masonry wall shall be constructed along the full length of the west property boundary, along the north property line, except at the location of the landscape preserve area shown on the preliminary development plan dated March 14, 2006 and on adjacent lots along the east boundary of the subdivision.
9. Natural landscape preserve area shall be secured along the north and east perimeter property lines, by an ornamental wrought iron or like design, or other type of open fencing (excluding chain link, and field fencing), as approved by the Department of Transportation, Flood Control Section.
10. The Natural Landscape Preserve area shown on the development plan dated March 14, 2006 shall be augmented to fill under vegetated or disturbed/graded areas, with native canopy trees, native shrubs and plants and a desert mix of hydro seeding.
11. Proposed privacy walls for lots located adjacent to a detention/retention basin, or the natural/landscape areas, shall be constructed as view walls.
12. A five foot tall wrought iron fence shall be provided along the north and east property lines and the east 25 feet along 28th Street adjacent to the landscape preserve. Along 28th Street, adjacent to the landscape preserve and detention basin, a rest station (shade tree and bench) shall be provided.
13. All units shall be restricted to single-story and/or a maximum of 20 feet in height.
14. The owner/developer shall contact the City of Tucson Traffic Engineering Division prior to design and installation of traffic calming improvements and prior to issuance of Certificates of Occupancy for lots one, through

nine. These traffic mitigation devices shall be installed as determined by the Neighborhood Traffic Management Program.

15. All units visible from the street frontages shall be sited so that no two adjoining lots have the same building elevations or color schemes. Roofing materials similar to those found on adjacent development should be used and all mechanical equipment shall be screened from the street and adjacent uses. To confirm/document compliance with the intent of this condition, elevations of models shall be submitted at time of subdivision plat review.
16. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
17. Perimeter walls shall be constructed of masonry block more than four inches in width.
18. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
19. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
20. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin side slopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
21. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
22. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
23. All security barriers and screening for detention/retention basins shall meet Safe by Design guidelines.
24. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place.

If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.

25. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
26. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
27. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Seventeen (17) written approvals and six (6) written protests were received for this case prior to the Zoning Examiner's public hearing on May 4, 2006 at that time requiring a simple majority vote of Mayor and Council to adopt a rezoning ordinance. Three (3) of the protests are within the 150 foot area, representing a 16.9 percent protest by area to the south, 13 percent protest by area to the east, 2.5 percent protest by area to west, and zero percent by area to the north. The protests generally allude to increase in traffic, increase in density, and incompatible building design.

11. ZONING: (C9-06-04) CHIRCO – 22ND STREET, C-1 TO C-2, CITY MANAGER'S REPORT

- a. Report from City Manager JUNE20-06-318 WARD 2
- b. Report from Zoning Examiner dated May 19, 2006
- c. Request to rezone approximately 1.51 acres from C-1 (Neighborhood Commercial) to C-2 (General Commercial) zoning. Applicant: Keri Silvyn of Lewis and Roca, on behalf of the property owners, Santo and Rose Chirco.

The rezoning site is located on the east side of Gollob Road between 21st Street and 22nd Street.

The *Pantano East Area Plan* and the *General Plan* provide land use policy directions for this area. Policies in the *Pantano East Area Plan* require that the applicant demonstrate the need for commercial uses within the boundary of the *Plan*, that the site has frontage on a major street and that the proposed development be integrated with existing commercial uses. The *Plan* also

recommends that adjacent uses be adequately buffered, with all required parking, maneuvering and pedestrian circulation provided on-site. Uses surrounding the rezoning site include vacant commercially zoned property to the north and a residence located on commercially zoned property east of the site. To the south are single-family residential uses zoned R-2 and to the west, the property is zoned O-3 and developed with a single-family residence. Vehicular access to the rezoning site is proposed from two existing access drives located on 22nd Street and Gollob Road. Twenty-second Street is identified as an arterial roadway with a future right-of-way of 150 feet on the *Major Streets and Routes Plan* map. Gollob Road is a local street on the west side of the rezoning site. The site also has frontage along 21st Street on the north side of the site. Twenty-first Street is also an unimproved, local street. The Pima Association of Governments – Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 78 vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

The Zoning Examiner and staff recommend authorization of C-2 zoning. Should the Mayor and Council choose to approve the rezoning request, it is recommended that the following conditions be included:

1. A development plan in substantial compliance with the preliminary development plan dated March 1, 2006, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. The site shall comply with the Watercourse, Amenities, Safety and Habitat (WASH) Ordinance.
3. The owner/developer shall install curb and sidewalk along the Gollob Road street frontage.
4. The owner/developer shall provide interim improvements consisting of additional pavement and striping for a center left turn lane for 22nd Street along the site frontage with appropriate pavement tapers to accommodate the widening.
5. Vehicular access to Gollob Road shall be limited to left turn only and shall be directed toward 22nd Street.
6. Until such time as the future expansion is constructed, a 6-foot wall along the northern perimeter of the site shall be constructed to mitigate any noise from the 3 auto bays that open to the north. Once the future expansion is constructed, all existing and proposed auto repair bay doors shall open away from residential uses.

7. Hours of operation shall be limited to the hours between 8 AM to 6 PM, Monday through Friday and 8 AM to 4 PM on Saturday. Only retail uses associated with the business shall be allowed on Sundays.
8. Loading and associated activities shall be limited to the hours between 8 AM to 6 PM, Monday through Friday and 8 AM to 4 PM on Saturday.
9. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
10. Four (4) inch wide or less fence block shall not be used for perimeter walls.
11. The proposed oil storage area shall be located outside of the 100-year floodplain of Robb Wash.
12. Preparation of a complete Drainage Report, including details of detention/retention shall be provided. If detention/retention basins are required, the following shall apply:
 - a. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
 - b. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
 - c. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin side slopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
 - d. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
 - e. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.

- f. All security barriers and screening for detention/retention basins shall meet Safe by Design guidelines.
- 13. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
- 14. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
- 15. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
- 16. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
- 17. A maximum of one year is allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Two (2) written approvals and three (3) written protests were received for this case prior to the Zoning Examiner's public hearing on May 4, 2006 at that time requiring a simple majority vote of Mayor and Council to adopt a rezoning ordinance. Two (2) of the protests are within the 150 foot area, representing a ten percent protest area to the south. The protests generally allude to increase in noise and the potential for more intense uses as a result of the proposed C-2 zone.

Because the protest level within 150 feet of the rezoning site is less than 20 percent in all four quadrants surrounding the site, a simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

12. ZONING: (C9-06-06) BRETT – BROWN STREET, SR TO RX-1, CITY MANAGER'S REPORT

- a. Report from City Manager JUNE20-06-317 WARD 2
- b. Report from Zoning Examiner dated June 2, 2006

- c. Request to rezone approximately 2.54 acres from SR (Very Low Density, Large Lot, Single-family Residential) to RX-1 (Suburban, Low Density, Single-family Residential Development) zoning. Applicants: Donna, John, Robert, and Teresa Brett.

The rezoning site is located south of Broadway Boulevard, on the west side of Brown Street.

The *Pantano East Area Plan* and the *General Plan* provide land use policy direction for this area. *Plan* policies promote residential in-fill development that is sensitive and complementary to adjacent land uses. The proposed residence should be architecturally compatible with surrounding residences by incorporating design elements such as the scale and massing of the structure, roof type, and building materials and colors. Prevailing setbacks and similar building orientation should also be duplicated for the new structure. The site is an irregularly shaped parcel located on the west side of Brown Street, south of Broadway Boulevard. The site is currently developed with an existing single-family residence and accessory structure. The subject property is surrounded by SR zoned single-family residences to the north, west, and south. Across Brown Street, to the east is a RX-1 zoned vacant lot.

The Zoning Examiner and staff recommend authorization of RX-1 zoning. Should the Mayor and Council choose to approve the rezoning request, it is recommended that the following conditions be included:

1. A site plan in substantial compliance with the preliminary development plan dated March 9, 2006, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. New residential structures shall be a maximum of 18 feet in height.
3. Structures shall be designed with attention to architectural detail on the sides and rear of the building façades comparable to the front façade.
4. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
5. Masonry block materials used for all walls shall be more than four inches in width.

6. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
7. All outdoor lighting shall conform to the Outdoor Lighting Code.
8. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
9. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Three (3) written approvals and zero (0) written protests were received prior to the Zoning Examiner's public hearing on May 18, 2006.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

13. ZONING: (C9-06-07) WYCOZONA – MARY ANN CLEVELAND WAY, RH TO R-1, CITY MANAGER'S REPORT

- a. Report from City Manager JUNE20-06-324 WARD 4
- b. Report from Zoning Examiner dated June 2, 2006
- c. Request to rezone approximately 172.6 acres from RH (Rural Homestead) to R-1 (Urban, Low-density Residential) zoning using the Residential Cluster Project (RCP). Applicant: Carolyn Laurie of Tierra Right-of-way Services, on behalf of the property owners Wycozona, Inc.

The rezoning site is located on the west side of the Pantano Wash north of Rancho del Lago, approximately 600 feet east of Mary Ann Cleveland Way

The *General Plan* provides land use policy direction for this area. Surrounding land uses and zones include Rancho del Lago, zoned SP (Specific Plan) to the south, vacant state land zoned MH-1 (Mobile Home) to the west, vacant land zoned MH-1 and GR-1 (General Rural) to the north, and Cienega Natural Preserve/Pantano Wash, zoned RH (Rural Homestead) to the east. Land further to the east across the Pantano Wash is developed with a mix of single family site built homes and mobile homes, zoned GR-1. The rezoning site is located in the Evolving Edge Area of the *General Plan*. Issues identified within the General Plan as relevant to development at the Evolving Edge include preservation of natural open space, the continued development of an interconnected regional trail

system, and development patterns which respect the lay of the land. Within the evolving Edge, the regional trail system should be expanded and connected with the Pima County system. A mix of housing types and residential densities of up to six units per acre are supported. Neighborhood entry roads should be designed and landscaped as entry statements. The neighborhood circulation system should be well planned and based on a hierarchical network of streets, such as a spine road that provides primary access through the neighborhood.

The Zoning Examiner recommends authorization of R-1 zoning subject to the recommended conditions.

Staff recommends authorization of R-1 subject to the recommended conditions. Should the Mayor and Council choose to approve the rezoning request, it is recommended that the following conditions be included:

1. A subdivision plat in substantial compliance with the preliminary development plan dated April 17, 2006, the Design Compatibility Report, and the Environmental Resource Report dated March 16, 2006 along with the addendum to the report dated April 17, 2006 is to be submitted and approved in accordance with Section 4.1.1. of the Land Use Code.
2. Direct, primary access shall be provided from Mary Ann Cleveland Way. The Spine road shall have a unified landscaping theme with an entry statement at MAC Way and the northern exit point.
3. Construction traffic access is not permitted on Millicent Trail outside of the rezoning site area.
4. Owner/developer shall dedicate, acquire, or verify existence of, appropriate rights-of-way covering the roadway linkages between the developing site and Mary Ann Cleveland Way, including 30-foot radius spandrels at intersections.
5. Owner/developer shall design and construct full roadway improvements on the roadways connecting the development site to Mary Ann Cleveland Way. Said improvements shall include appropriate pavement/pavement widths, curbs, sidewalks and shall meet all 100-year storm capacity requirements.
6. Owner/developer shall design and construct appropriate modifications to Mary Ann Cleveland Way at the locations of the intersecting roadway connections to the developing site.
7. A Category II Traffic Impact Analysis (TIA) shall be submitted.
8. Developer shall install left and right turn lanes with appropriate transitions on Mary Ann Cleveland Way at all proposed access points.

9. The owner/developer shall design and construct the Pantano River Park corridor (Trail #5) as identified on the Eastern Pima County Trails System Master Plan. The owner/developer shall determine the location of the Trail #5. The applicant shall choose one of the three following options in determining the trail location:
 - a. The trail shall be located off-site as approved by the Arizona State Land Department, Pima County Department of Natural Resources, and the City of Tucson Parks and Recreation Department, or;
 - b. The trail shall be located on-site along the full length of the western side of the rezoning site as approved by the Pima County Department of Natural Resources and the City of Tucson Parks and Recreation Department and in consultation with the Arizona State Land Department.
 - c. Alternative location as approved by the City of Tucson and Pima County Parks and Recreation Department and in consultation with the Arizona State Land Department.
10. A minimum 50 percent of the site shall be preserved as open space. A minimum 45 percent of the site shall be preserved as Natural Undisturbed Open Space (NUOS). NUIS shall be dedicated as a conservation easement and encroachment into the NUIS will not be permitted. The owner/developer may disturb and re-vegetate a maximum 5 percent of the site and apply it towards the minimum 50 percent open space requirement. Disturbed and revegetated areas shall be labeled as Natural Revegetated Open Space (NROS). A registered land surveyor shall certify and include calculations on the tentative plat, grading plan, and final plat verifying that a minimum of 45 percent of the total site is set aside as (NUOS). NUIS boundary shall be clearly identified in a surveyable manner on the tentative plat, grading plan, and final plat.
11. Temporary construction fencing shall be installed on the NUIS boundary. Construction fencing shall be installed under the supervision of a registered land surveyor. Grading will not be permitted until the installation of the construction fencing in compliance with the tentative plat, grading plan, and final plat has been verified by a survey prepared by a registered land surveyor.
12. Temporary construction fences and the required NUIS boundary fences shall be installed under the supervision of a registered land surveyor. Upon completion of all required fencing installation, the registered land surveyor shall certify by letter that the physical placement of all required

temporary construction fencing has been installed as shown and identified on the final plat and grading plan.

13. Wildlife-friendly culvert systems that assimilate the natural base of the wash shall be located beneath all road crossings in delineated wildlife corridors. Details of the culvert systems to be provided on the tentative plat.
14. If the owner/developer constructs a desert park between Neighborhoods 5, & 6, the tentative plat and landscape plan shall identify this area as Natural Undisturbed Open Space/Desert Park. The desert park shall remain undisturbed, except as outlined below:
 - a. Amenities shall include a minimum five feet wide all-weather desert pedestrian trail that connects to the street sidewalk system;
 - b. Passive recreation areas shall include a ramada with a table and benches and trash receptacles;
 - c. Roofing materials for the ramadas shall be designed to protect from heat and rain and shall be painted natural colors;
 - d. Passive recreation areas shall be located at appropriate distances to provide rest and view sheds for pedestrians; and
 - e. Signs shall be located at appropriate locations along the pedestrian trails to inform participants the area is a natural desert park and to instruct pedestrians to remain on trail and rest stations areas only.
15. All pocket parks shall be landscaped with thornless native trees, plants and shrubs. Tot lots shall have turf area, a ramada with a table and benches, bar-be-que grills, and attached trash receptacles. All weather access shall be provided for pedestrian paths that connect the street sidewalk to all pocket park amenities.
16. Whenever possible wildlife passages or paths should not be combined with pedestrian uses. When pedestrian paths share wildlife corridors, pedestrian paths shall be placed along edges of wildlife corridors to minimize impacts on wildlife movement.
17. Natural Trail or "Broom Trail" amenity shall be created in order to mitigate against possible "Social Trail Creation."
 - a. The natural trails shall be created utilizing the existing environmental constraints and be located within NUOS and NROS delineated areas.

- b. The natural surface trails shall not be created using heavy equipment and/or require the importation of any foreign materials.
- 18. Signage shall be provided along sidewalks at appropriate distances from wildlife crossings to allow pedestrians notice of potential animal crossings.
- 19. All perimeter lots on the northern, eastern, and southern edges of the site shall be restricted to single-story structures. Fifty percent of the lots on the western edge of the site may be two story homes with the balance of lots being one story homes. The two story homes shall be distributed among the neighborhoods and/or phases of development.
- 20. Provide a native canopy tree within ten feet of the front property line on every other lot, on every street within the development.
- 21. Details of the front facade (including roof treatment) shall be carried around to the side and/or rear of units abutting or adjacent to open space or public rights-of-way. Elevations demonstrating this condition to be submitted at the time of subdivision plat review.
- 22. Adjacent structures within the subdivision shall not have identical model façades, color scheme, or garage setbacks. The concept of a variety of model types shall be distributed throughout each of the seven proposed neighborhoods to ensure a mixture of physical appearances.
- 23. Rear or side yard perimeter yard walls adjacent to NUOS shall not incorporate pedestrian gates or openings, except for perimeter wall viewsheds.
- 24. In the event drainage basins are included in the final design of the site, the following conditions shall apply:
 - a. To create a community amenity, basins shall have natural appearing, undulating, contoured side slopes. Engineered, geometrical, straight-sided basin shapes, sides and bottoms, shall be discouraged unless appropriate and integral to the design of the basin to incorporate recreational uses.
 - b. Each detention/retention basin shall be located adjacent to and visible from a street or accessible common area. Basin side slopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.

- c. Each detention/retention basin shall include a sediment trap, or other sediment control measure as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
 - d. Each basin shall have a low-flow channel to prevent ponding of nuisance water. The basin floor shall be graded to drain either toward the low-flow channel or the outlet structure.
 - e. Each detention/retention basin shall function as a visual amenity. Within each basin, vegetation shall be provided for passive recreational facilities. The vegetation palette shall provide plant materials of various colors. Existing significant mature vegetation along the perimeter of basins shall be preserved.
 - f. Vegetation shall be used as screening and/or to provide access control for a minimum of ten percent of the basin perimeter.
 - g. Access control and screening measures shall meet Safe by Design guidelines.
25. All walls adjacent to or abutting public rights-of-way or open space shall be graffiti-resistant and incorporate two (2) or more finished (CMU will not be considered finished), visually appealing design treatments, such as: the use of decorative materials like stucco, tile, stone, brick; or wrought iron view fencing; a visually interesting design on the wall surface; a varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations. A detailed elevation shall be submitted at the time of tentative plat review.
26. Six (6) inch wide or less fence block shall not be used for perimeter walls.
27. The Arizona Game and Fish Department guidelines regarding raptors, bats, gila monsters, and special status plants and animals shall be followed.
28. A Desert Tortoise survey shall be completed prior to tentative plat approval. If any Desert Tortoise and/or active burrows are located on site, a qualified biological monitor shall be present during all phases of construction to insure Tortoise viability. In the event that active burrows are located within grading limits, a complete mitigation plan must be completed and submitted to the City of Tucson Environmental Services Department.
29. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be

completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.

30. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
31. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
32. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
33. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Zero (0) written approvals and zero (0) written protests were received for this case prior to the Zoning Examiner's public hearing on May 18, 2006.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager JUNE20-06-308 CITY-WIDE

15. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, June 27, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.